

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re Patent Application of:

Blake W. Little et al.

Application No.: 10/821,123

Confirmation No.: 8209

Filed: April 8, 2004

Art Unit: 2416

For: SYSTEMS AND METHODS PROVIDING  
ASICS FOR USE IN MULTIPLE  
APPLICATIONS

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Examiner: M. A. Clark

**APPLICANT'S RECORD UNDER M.P.E.P. § 713.04 OF  
INTERVIEW WITH THE EXAMINER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant's attorney appreciates the Examiners' time and consideration in conducting the telephone interview of January 22, 2009. Applicant respectfully submits the following record of the telephone interview under M.P.E.P. § 713.04.

**I. Interview Participants**

The following persons participated in the interview: Examiner Maxwell Clark, Applicant's Attorney Lisa Joni Collins (Reg. No. 59,354).

**II. Issues discussed**

Claims 1-24 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. *Office Action*, at 6. Specifically, the Office Action states independent claims 1, 10, 12, and 13 include the phrase "adapted for" making it unclear whether the limitations following the phrase are part of the claimed invention. *Office Action*, at 6. Further,

dependent claims 2-9, 11, and 14-24 stand rejected because they depend from rejected claims 1, 10, and 12. See, *Office Action*, at 6.

Ms. Collins and Examiner Clark discussed the §112 rejection and *Hopper v. Microsoft*, 405 F.3d 1326, 1329 (Fed. Cir. 2005) which held that when a clause states a condition that is material to patentability, it cannot be ignored. See also, M.P.E.P. §2111.04. The Examiner graciously agreed to withdraw the 35 U.S.C. § 112 rejection of the claims.

Applicant respectfully requests that the Examiner send Applicant an Office Action or Interview Summary indicating that the rejection of record has been withdrawn.

### III. Conclusion

Applicant believes no fee is due with this response. However, if a fee is due, please charge any fees required or credit any overpayment to Deposit Account 06-2380 under Order No. 065744/P018US/10404217 during the pendency of this Application pursuant to 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees.

Dated: January 23, 2009

Applicant's Record Under M.P.E.P. § 713.04  
Of Interview With The Examiner

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).

Dated: January 23, 2009

Signature: 

(John H. Perigo)

Respectfully submitted,

  
By \_\_\_\_\_

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